

Appln No. 10/816,650
Amdt date November 28, 2005
Reply to Office action of October 4, 2005

Amendments to the Drawings:

The attached sheet of drawings includes changes to FIG. 2c. This sheet, which includes Fig. 2c, is a new figure added to support a claim.

Attachment: Replacement Sheet
 Annotated Sheet Showing Changes

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REMARKS/ARGUMENTS

Claims 1-24 are pending in the above-referenced application.

Claims 1, 4, 7-11 and 21 have been amended and claim 24 added to further define Applicants' invention.

This is a response to the Office Action dated October 4, 2005 wherein the Examiner objected to the drawings for not showing features recited in claim 21 pursuant to 37 CFR 1.83(a); rejected claims 21-23 under §112, first paragraph, for failing to comply with the enablement requirement; rejected claims 21-23 under §112, second paragraph, for indefiniteness; rejected claims 1, 2, 5, and 8-10 under §102(b) as being anticipated by Thaler et al. (US 6,378,461); rejected claims 6, 7, and 11 under §103(a) for obviousness over Thaler et al. in view of Springer (US 4,858,561); and rejected claims 3, 4, 12, 13, and 21-23 under §103(a) for obviousness over Thaler et al. in view of Walter (US 5,713,302). Please reconsider in view of the amendments as indicated above and the remarks that follow.

Allowance of claims 14-20 is acknowledged with thanks.

Interview Summary Pursuant to MPEP §709.03

A telephone interview was conducted on November 2, 2005 by Arie Halpern, one of the co-inventors (herein "Applicants"), his undersigned attorney, and Examiner Nguyen. During the interview, the rejection of claims 21-23 under §112, first and second paragraphs; the rejection of independent claims 1, 8, and 21, and the Thaler et al. reference were discussed.

With respect to claims 21-23, Applicants pointed to FIGs. 2 and 2b and to the specification at page 5, lines 27-35 for support, which the Examiner agreed. In addition, it was agreed that new FIG. 2c would be acceptable under 37 CFR 1.83(a), would provide support for claims 21-23, and is supported by FIGs. 2 and 2b and the specification at page 5, lines 27-35¹.

¹ FIG. 2 shows a triangular notched recess located on the upper surface of the enclosure 102 while FIG. 2b shows a scoop with a triangular shaped hook portion 254. The specification states that "The hook portion mates with notched recess 119 of enclosure 102 (of FIG. 2a) to form a gravity lock for removably attaching the scoop to the enclosure."

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With respect to independent claims 1, 8, and 21, no agreement was reached for claims 1 and 8. However, after Applicants provided support for claim 21, it was agreed that claim 21 would be patentable over the art of record.

Drawings Objected Under 37 CFR 1.83(a)

The drawings are objected to for not showing features recited by Claim 21. In response thereto, FIG. 2c has been added. Rescission of the objection is respectfully requested.

§112 Rejection of Claims 21-23

Claims 21-23 are rejected under §112, first and second paragraphs. However, claims 21-23 are supported by the specification, as discussed during the telephone interview with the Examiner. In particular, claims 21-23 are supported by FIGs. 2 and 2b and the specification at page 5, lines 27-35, and now FIG. 2c. Rescission of the rejection under §112 is respectfully requested.

§102(b) Rejection of Claims 1, 2, 5, and 8-10 by Thaler et al.

Claim 1, 2, 5, and 8-10 are rejected under §102(b) by Thaler et al. The Examiner contends that FIG. 28 of the cited reference shows a "tray 20" inside a chassis 502 and that a user can slide the tray relative to the chassis. Applicants submit that the interpretation of Thaler et al. strains even the liberal standard that claim terms are construed broadly. Among other things, the "tray 20" shown in FIG. 28 is the entire litter box, which includes all the components shown in FIGs. 1 and 2 and the only slidable tray 304 disclosed (FIG. 18).

However, in order to advance prosecution, Applicants have amended claim 1 as presented above. As amended, claim 1 now recites, in part, an enclosed litter box, comprising a chassis comprising a structure comprising two side walls, an end wall, a base comprising a width, an end opening comprising an end edge, and a base rail comprising a width attached to the chassis structure along a lengthwise direction of the two side walls, the base rail width being less than the base width; a removable litter tray comprising a tray rail attached to the wall structure an

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enclosure enclosing the removable litter tray; wherein the tray rail overlaps and contacts, at least in part, the base rail when the litter tray is in the first position.

With reference to the Thaler et al. reference, and in particular FIGs. 1, 2 and 28, Applicants submit that no reference is made to either a chassis comprising a base rail, a base rail comprising a width attached to the chassis structure along a lengthwise direction of the two side walls, the base rail width being less than the base width or a removable litter tray comprising a tray rail attached to the wall structure or an assembly wherein a tray rail overlaps and contacts, at least in part, the base rail when the litter tray is in the first position.

Accordingly, since Thaler et al. do not disclose or teach each and every element recited by claim 1, Thaler et al. cannot anticipate claim 1 as required under §102(b). Reconsideration and a notice of allowance are respectfully requested.

Because claims 2 and 5 depend from claim 1, they too are allowable.

Independent claim 8 has been amended to recite, in part, an enclosed litter box, comprising a chassis comprising an end opening, a slidably removable litter tray; a rake comprising a raking end comprising a plurality of tines for raking litter coupled to a first bar and a handle end comprising a second bar for handling the rake spaced apart from the first bar by a third bar being positioned within the removable litter tray such that the plurality of tines are located within the tray cavity of the litter tray while the second bar is in contact with a front side of the tray perimeter, which is adjacent the end opening of the chassis; an enclosure enclosing the removable litter tray; wherein the first bar is positioned at an angle to the third, the third bar is positioned at an angle to the second bar; and wherein the second bar and the third bar each comprises a width and a length, and wherein the length is greater in dimension than the width.

Applicants submit that the Thaler et al. reference does not disclose features recited by amended claim 8, including a rake comprising a first bar, a second bar, and a third bar and their relative positions and orientations with respect to one another and with respect to the tray and the chassis. Reconsideration and a notice of allowance are respectfully requested.

Because claims 9 and 10 depend from claim 8, they too are allowable.

§103(a) Rejection of Claims 6, 7, and 11 by
Thayer et al in view of Springer and Official Notice

Claims 6 and 7 depend from claim 1. In rejecting claims 6 and 7, the Examiner relied on Springer and Official Notice in combination with Thaler et al. More particularly, Springer is

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relied to disclose a label with decorative motif and Official Notice is relied on for adhesive bonding. However, neither Springer or the Official Notice relates to a chassis comprising a base rail, a base rail comprising a width attached to the chassis structure along a lengthwise direction of the two side walls, the base rail width being less than the base width or a removable litter tray comprising a tray rail attached to the wall structure or an assembly wherein a tray rail overlaps and contacts, at least in part, the base rail when the litter tray is in the first position, all of which are lacking in the Thaler et al. reference. Accordingly, the combination is defective. Reconsideration and a notice of allowance respectfully requested.

Claim 11 depends from independent claim 8. Because Spring and the Official Notice does not relate to a rake comprising a first bar, a second bar, and a third bar and their relative positions and orientations with respect to one another and with respect to the tray and the chassis, all of which are lacking in the Thaler et al. reference, the combination is defective. Reconsideration and a notice of allowance are respectfully requested.

§103(a) Rejection of Claims 3, 4, 12, 13, and 21-23 by Thaler et al. in view of Walter

In rejecting the claims, Walter is relied on to disclose an enclosure having a notched recess/gravity lock groove (72) for engaging/attaching a notched blade scoop means thereon wherein the scoop means having a scooping end, a handle end comprising a hook portion wherein the hook portion having two edges that are non-parallel to one another and the hook portion is engaged to the notched recess/gravity lock groove such that the handle end is elevated above the scooping end (FIG. 5).

Because claims 3 and 4 depend from independent claim 1, claims 12 and 13 depend from independent claim 8, and because Walter is not relied on to disclose features not disclosed by Thaler et al. as discussed above with reference to the §102(b) rejection, claims 3, 4, 12, and 13 are allowable.

Independent claim 21 recites an enclosed litter box, comprising a chassis comprising two side walls, an end wall, and an end opening comprising an end edge; a removable litter tray slidably coupled to the chassis and having a first position and a second position relative to the

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chassis; an enclosure coupled to the chassis for enclosing the removable litter tray comprising a notch recess comprising two notch surfaces that are non-parallel to one another; a scooper for scooping comprising a scooping end and a handle end comprising a hook portion; and wherein the hook portion of the scooper is engaged to the notch recess on the enclosure such that the handle end is elevated above the scooping end.

In rejecting claim 21, the Examiner relied on Walter to disclose an enclosure having a notched recess/gravity lock groove and a notched blade scoop wherein the scoop is engaged to the notched recess/gravity lock groove and "the handle end is elevated above the scooping end (see Figure 5)." Applicants respectfully traverse the rejection. Among other things, Walter discloses a scoop located in a channel of the litter container 52, not an enclosure. If the litter container 52 is an enclosure, then the enclosure 20 disclosed by Walter would be superfluous or useless. In addition, FIG. 5 of the Walter reference discloses a scoop in a generally horizontal position. The scoop has a scoop end that is much larger than the handle end. Thus, it is inconceivable how any portion of the handle end is elevated above the scooping end when the scoop is positioned inside the litter container 52 in a horizontal position.

Reconsideration and a notice of allowance are respectfully requested.

Claims 22-24 depend from claim 21 and are therefore allowable.


In view of the amendments and the remarks set forth above, the application is thought to be in condition for allowance and early notice thereof is respectfully requested.

Should the Examiner find it necessary to speak with Applicants' attorney to expedite prosecution, she is invited to contact the undersigned at the telephone number identified below.

Respectfully submitted,

CHRISTIE, PARKER & HALE, LLP

By


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